



State of New Jersey

DEPARTMENT OF HEALTH AND SENIOR SERVICES

OFFICE OF EMERGENCY MEDICAL SERVICES

PO BOX 360

TRENTON, N.J. 08625-0360

www.nj.gov/health

RICHARD J. CODEY
Acting Governor

FRED M. JACOBS, M.D., J.D.
Commissioner

October 7, 2005

Mr. Saifeldin Sidahmed
Miracle Invalid Coach
520 Westfield Ave., Suite 203
Elizabeth, New Jersey 07208

Re: **Notice of Proposed Assessment of Penalties:**
Mobility Assistance Vehicle Service Provider
Investigation Control #05-B-023

Dear Mr. Sidahmed:

The New Jersey Department of Health and Senior Services is vested with the responsibility of carrying out the provisions of the Health Care Facilities Planning Act (N.J.S.A. 26:2H-1, et seq.) which was enacted, in part, to ensure that hospital and related health care services rendered in New Jersey are of the highest quality. As defined at N.J.S.A. 26:2H-2b, health care services include ambulance services. In addition, in accordance with §6.4 and §6.6 of the New Jersey Medical Assistance and Health Services Act (N.J.S.A. 30:4D-1 et seq.), this Department is responsible for the development of minimum licensure requirements concerning the equipment, supplies and vehicles of providers of mobility assistance vehicle services.

Furthermore, N.J.S.A. 26:2H-5 grants the Commissioner of Health and Senior Services the power to inquire into health care services and to conduct periodic inspections with respect to the fitness and adequacy of the equipment and personnel employed by those services. As such, in furtherance of each of the aforementioned statutory objectives, the Department of Health and Senior Services (the Department) adopted regulations that govern the licensure and inspection of ambulance and mobility assistance vehicle service providers and their vehicles. Those regulations are set forth in their entirety at N.J.A.C. 8:40-1.1, et seq.

On August 17, 2004, staff of this Department's Office of Emergency Medical Services (OEMS) conducted an unscheduled vehicle inspection of Miracle Invalid Coach Vehicle #40, New Jersey license plate #695VS2, parked at the Trinitas Hospital in Elizabeth, New Jersey.

The inspection revealed the following deficiencies:

1. The driver was in possession of an expired CPR card showing an expiration date of November 2003;
2. The license plate on the vehicle did not match the license plate on the vehicle license issued by the department;
3. The rear door handle did not function properly; and
4. The step stool and wheelchair were lying on the floor unsecured.

As you should know:

N.J.A.C. 8:40-5.3(b)1 states, "If oxygen administration devices are not carried in the vehicle, the required MAV crewmembers shall possess and shall make available to Department staff upon demand: A CPR certification card."

N.J.A.C. 8:40-2.5(h) states, "Once licensed, it shall be the provider's responsibility to notify the Department of any change of trade name, license plate or vehicle recognition number and to provide appropriate documentation as may be required by the Department."

N.J.A.C. 8:40-5.8(c)4 states, "The doors to each patient compartment doorway shall be capable of being opened and utilized from both inside the patient compartment and from the exterior of the vehicle, using a standard automotive industry door handle."

N.J.A.C. 8:40-4.4(e)7 states, in relevant part, "All equipment and supplies carried on the vehicle shall be stored in a crashworthy manner (that is, they shall remain firmly in place and shall not present a hazard to any vehicle occupant in the event of an accident or sudden change in vehicle speed or direction)."

Pursuant to N.J.A.C. 8:40-7.2(c), violation of any portion of N.J.A.C. 8:40 by a provider may be cause for action against the provider, including, but not limited to, suspension or revocation of a provider's license, a formal written warning, monetary penalty, placing the provider's vehicle in "Department-Initiated-Out-of-Service" (DIOOS) status, placing of conditions for continued operation by the provider and/or refusal to issue or renew a license.

Therefore, in accordance with N.J.A.C. 8:40-7.2(e)9, you are hereby assessed a penalty of \$250 for violations #1, #2 and #3 as noted above, for a total penalty of \$750. With respect to violation #4, I am issuing a warning that this Department may impose a monetary penalty if such violations are found during the course of any future inspections.

A certified check or money order in the amount of \$750 made payable to "Treasurer, State of New Jersey", must be submitted within 30 days from the date of this Notice. In accordance with N.J.A.C. 26:2H-16 and N.J.A.C. 8:40-2.14(f), failure to pay

this penalty may result in a summary civil proceeding in the Superior Court of New Jersey pursuant to the Department to issue or renew a license and/or any such other action as authorized by law. Payment should be forwarded to:

New Jersey Department of Health & Senior Services
Office of Emergency Medical Services
P.O. Box 360
Trenton, New Jersey 08625-0360
Attn: Ms. Karen Halupke, Director

Pursuant to N.J.A.C.26:2H-13 and N.J.A.C. 8:40-2.15, you are entitled to a hearing before the Office of Administrative Law to contest this proposed penalty assessment. Your request for a hearing must be submitted in writing and must be accompanied by a response to each of the charges noted above. In the event that you request a hearing, the penalty shall be held in abeyance until such time as the hearing has been conducted and a final decision has been rendered.

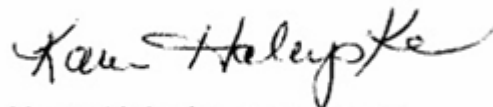
Your request for a hearing must be submitted within 30 days from the date of this Notice, and should be forwarded to:

New Jersey Department of Health & Senior Services
Office of Legal & Regulatory Affairs
P.O. Box 360, Room 805
Trenton, New Jersey 08625-0360
Attn: Ms. Michele Stark

Please include the control 05-B-023 on all correspondence. **Finally, failure to request a hearing within 30 days of this Notice shall render this Notice final, and the entire \$750 shall be immediately due and payable.**

If you have any questions concerning this matter, please do not hesitate to contact Samuel Stewart, Esq. at (609)633-7777.

Sincerely,



Karen Halupke, R.N., M.Ed
Director, Emergency Medical Services

- c. Michele Stark, DHSS
Charles McSweeney, OEMS
Samuel Stewart, Esq., OEMS

SENT VIA REGULAR US MAIL AND
CERTIFIED MAIL #7002 2410 0003 3470 6351

RETURN RECEIPT REQUESTED